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Art Unit: 3624

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DATE: March 29, 2006

FROM: Nick P. Patel, Reg. No. 57,365

RE: U.S. Patent Application Serial No. 09/769,036

ATTACHED: PTO Transmittal Form (1 p.), PTO Fee Transmittal for FY 2006 (1 p.);  
Appeal Brief (28 pp.)

TOTAL NUMBER OF PAGES (INCLUDING THIS ONE) 31

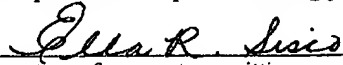
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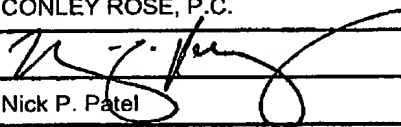
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<b>TRANSMITTAL FORM</b>	Application Number	09/769,036	
	Filing Date	January 24, 2001	
	First Named Inventor	Bea Calo	
	Art Unit	3624	
	Examiner Name	Debra F. Charles	
(to be used for all correspondence after initial filing)		Attorney Docket Number	1991-00301
Total Number of Pages in This Submission		30	

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
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Date	March 29, 2006	Reg. No. 57,365

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Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**FEE TRANSMITTAL**  
**For FY 2006**☐ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)  
500.00**Complete If Known**

Application Number 09/769,036

Filing Date January 24, 2001

First Named Inventor Bea Calo

Examiner Name Debra F. Charles

Art Unit 3624

Attorney Docket No. 1991-00301

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):☒ Deposit Account Deposit Account Number: 03-2769 Deposit Account Name: Conley Rose, P.C.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17☒ Credit any overpayments

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**FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES****Fee Description**

Each claim over 20 (including Reissues)

Fee (\$)	Small Entity Fee (\$)
50	25
200	100
360	180

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims Extra Claims Fee (\$)

- 20 or HP =

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims Extra Claims Fee (\$)

- 3 or HP =

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$)

- 100 =

/ 50 = (round up to a whole number) x

**4. OTHER FEE(S)**

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57,365

Telephone 713-238-8000

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Date March 29, 2006

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171534.01/1991-00301

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants:	Bea Calo et al.	§	Confirmation No.:	5934
		§		
		§	Group Art Unit:	3624
Serial No.:	09/769,036	§		
		§	Examiner:	Debra F. Charles
Filed:	January 24, 2001	§		
		§	Attorney Docket No.:	1991-00301
		§		
For:	Global Trading System	§	Client Ref No.:	T30364US

**APPEAL BRIEF**

**Mail Stop Appeal Brief – Patents**  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Date: March 29, 2006

Sir/Madam:

Appellants hereby submit this Appeal Brief in connection with the above-identified application. A Notice of Appeal was filed March 21, 2006, and an amendment was filed March 28, 2006.

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**I. REAL PARTY IN INTEREST**

The real party in interest is E\*TRADE Group, Inc., a corporation organized and existing under the laws of the State of California, having its principal place of business at 4500 Bohannon Drive, Menlo Park, California 94025. The Assignment from the inventors to E\*TRADE Group, Inc. was recorded on June 4, 2001, at Reel/Frame 011865/0258.

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## **II. RELATED APPEALS AND INTERFERENCES**

There are no other prior or pending appeals, interferences or judicial proceedings known to Appellants, the Appellants' legal representative, or assignee which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

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**III. STATUS OF CLAIMS**

Originally filed claims: 1-45.  
Canceled claims: 1, 2, 5, 9, 10, 14-20, 23, 27, 28, 31-45.  
Amended claims: 3, 6, 8, 11, 13, 21, 26, 31, 40.  
Added claims: None.  
Allowed claims: None.  
Presently rejected claims: 3, 4, 6-8, 11-13, 21, 22, 24-26, 29-30.  
Presently appealed claims: 3, 4, 6-8, 11-13, 21, 22, 24-26, 29-30.



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**IV. STATUS OF AMENDMENTS**

An amendment canceling claims 31 and 34-43 was filed on March 28, 2006. This appeal brief assumes entry of this amendment.

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## **V. SUMMARY OF CLAIMED SUBJECT MATTER**

In accordance with various embodiments of subject matter claimed in claim 3, there is disclosed a computerized system for trading securities and commodities, comprising a computerized introducing affiliate in a first country suitable for accepting a transaction order from a customer and transmitting said transaction order electronically, said transaction order being for the handling of a security or commodity (page 13, lines 7-10 and Figure 6A, items 621 and 622). The system further comprises an exchange on which said security or commodity is traded (Figure 6A, item 629). The system further comprises a computerized executing affiliate in a second country suitable for electronically receiving said transaction order and executing said transaction order on the exchange (page 13, lines 13-15 and Figure 6A, items 628 and 629). The system still further comprises a global hub connected between said introducing affiliate and said executing affiliate, wherein the global hub electronically routes said transaction order from said introducing affiliate to said executing affiliate (page 13, lines 9-13 and Figure 6A, item 624). The transaction order is to sell an equity, and said executing affiliate electronically transmits proceeds from the sale of the equity to the global hub (page 15, lines 2-11 and Figure 7A, items 725, 728, 732). Additional support for this claim may be found at least in Figures 2, 6B, 7B, 8A and 8B and corresponding portions of the specification.

In accordance with various embodiments of subject matter claimed in claim 6, there is disclosed a computerized system for trading securities and commodities. The system comprises a computerized introducing affiliate in a first country suitable for accepting a transaction order from a customer and transmitting said transaction order electronically, where the transaction order is for the handling of a security or commodity (page 7, line 21 to page 8, line 9 and Figure 3A, items 321 and 322). The system further comprises an exchange in which the security or commodity is traded (Figure 3A, item 329). The system further comprises a computerized executing affiliate in a second country suitable for electronically receiving the transaction order and executing the transaction order on the exchange (page 8, lines 10-13 and Figure 3A, items 328 and

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329). The system still further comprises a global hub connected between the introducing affiliate and said executing affiliate, where the global hub electronically routes the transaction order from the introducing affiliate to the executing affiliate (page 8, lines 8-12 and Figure 3A, item 324). The transaction order is to purchase an equity, and the introducing affiliate electronically transmits currency for the purchase of the equity to the global hub (page 10, lines 4-6 and Figure 4A, items 422, 423, 425). Additional support for this claim may be found at least in Figures 2, 4B, 5A, 5B and corresponding portions of the specification.

In accordance with various embodiments of subject matter claimed in claim 21, there is disclosed a method of selling a security or commodity. The method comprises accepting an electronic transaction order from a first customer in a first country to sell a stock, where the stock is being traded on a first financial exchange (page 13, lines 7-10 and Figure 6A, items 621, 622, 629). The method further comprises checking an account in a customer account for the first customer to determine if the customer owns the stock (page 13, lines 10-13). The method further comprises electronically transmitting the transaction order to the first financial exchange via a global hub, where the global hub is electronically connected to at least a second financial exchange and the first financial exchange (page 13, lines 13-15 and Figure 6A, items 622, 624, 627, 629). The method further comprises selling the stock on the first financial exchange (page 13, line 15 and Figure 6A, items 628, 629). The method also comprises electronically transmitting proceeds from the sale of the stock from the first financial exchange to the customer account via the global hub (page 15, lines 10-14 and Figure 7A, items 729, 732, 725, 723). Additional support for this claim may be found at least in Figures 2, 6B, 7B, 8A and 8B and corresponding portions of the specification.

In accordance with various embodiments of subject matter claimed in claim 26, there is disclosed a method of buying a security or commodity. The method comprises entering a transaction order into a first computerized system, the transaction order being for the purchase of a security of commodity (page 7, line 21 to page 8, line 9 and Figure 3A, items 321 and 322). The method further comprises transmitting the transaction

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order electronically to a second computerized system, the second computerized system being connected to a plurality of stock exchanges in a plurality of countries (Figure 3A, items 324, 327). The method further comprises receiving from the second computerized system execution details regarding the purchase of the security or commodity in response to the transaction order (page 8, lines 9-13 and Figure 3A, items 324, 328, 329). The purchase of the security or commodity is made by a stock exchange member connected to the second computerized system (page 8, line 13 and Figure 3A, items 328 and 329). The first computerized system maintains a customer account in a first currency and the security or commodity trades on a stock exchange in a second currency (page 10, lines 6-8). The second computerized system converts the first currency to the second currency to purchase the security or commodity (page 10, lines 6-8 and Figure 4A, items 425, 426).

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**VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

Whether under 35 U.S.C. 103(a) claims 3, 4, 6, 7, 11, 13, 26 and 29 are obvious over the combination of U.S. Patent No. 5,424,938 ("Wagner") and U.S. Patent No. 6,029,146 ("Hawkins").

Whether under 35 U.S.C. 103(a) claims 8, 12 and 30 are obvious over the combination of Wagner and Hawkins and further in view of U.S. Patent App. 2003/0208440 ("Harada").

Whether under 35 U.S.C. 103(a) claims 21, 22, 24 and 25 are obvious over the combination of Hawkins and Harada.

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## **VII. ARGUMENT**

The claims do not stand or fall together. Instead, appellants present separate arguments for various independent and dependent claims. After a concise discussion of cited art, each of these arguments is separately argued below and presented with separate headings and subheadings as required by 37 C.F.R. § 41.37(c)(1)(vii). The groupings below are for purposes of appeal only, and should not be construed to mean the patentability of any of the claims may be determined, in later actions before a court, based on the grouping. Instead, the presumption of 25 U.S.C. § 282 shall apply to each claim individually.

### **A. Discussion of References Cited by Examiner**

#### **1. Discussion of Wagner**

Wagner discloses an interface system for providing access to a plurality of payment networks. The interface system displays to a user a single transaction entry screen capable of initiating a monetary payment transaction over any of a number of differing payment networks. The interface couples to a display of a remote computer operated by the user. Selection logic is provided at the remote computer to allow the user to select a desired payment network for a particular transaction. The interface prompts the user only for the data which is necessary to complete the particular transaction.

Abstract.

Figure 3 is reproduced for convenience:

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FIG. 3

98,

TRANSACTION ENTRY									
FILE TRANSACTION HELP									
PC REF	CUR	AMOUNT	SETUP NAME	BENE/RECEIVER	STATUS				
80	81	80	80	80	80				
SETUP NAME		60		82	SESSION: 6	PC REF:		82	
ACCOUNT		62		82					
TRANS. TYPE		64		82	ACH CODE	68			
AMOUNT		66	0.00	VALUE DATE					
BENEFICIARY				70	ID CODE	86			
CITY		STATE	COUNTRY						
ACCOUNT NUM		72		82	ROUTING CODE		88		82
ACCOUNT/W BK		74		82	ROUTING CODE		88		82
CITY		90	STATE	COUNTRY	94				
INTERMEDIARY		76		92	ROUTING CODE	88			
TEXT CITY		90	STATE	COUNTRY	94				
78									
DOCUMENT REF:		84		CUT-OFF					
MORE		ACCEPT		CLEAR		84		TOTAL	

84

Figure 3 shows a computer display interface used to enter transactions into the computer. Specifically, there is shown a transaction entry screen 98 comprising a plurality of data fields. The fields are designed to store data including account numbers, currency amounts, routing codes, etc. The transaction type field 64 enables the user to specify a particular payment network desired for completion of the transaction at hand. After the user fills in the account field 62 and the transaction type field 64, certain of the remaining fields appearing on the screen 98 change dynamically. For example, certain fields may change in terminology or length of valid input allowed, or may become "grayed out" to indicate their inapplicability to the specific transfer type selected. See 6:19-45.

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While Wagner does disclose various payment networks, Appellants are unable to find any teaching or disclosure of exchanges (e.g., an equities trading exchange), nor are Appellants able to find teaching or disclosure of an affiliate executing transactions on a trading exchange.

## 2. Discussion of Hawkins

Hawkins discloses a system which enables direct broker-to-broker trading that automatically matches an investor's security order with an executing broker's order and if a match is found, a confirmation message is generated. The system also generates and routes via the SWIFT Financial Network a settlement instruction to the investor's clearing agent. By allowing securities participants to match orders to executions in trade data and by automatically generating pre-matched settlement instructions to clearing agents on trade date, the system reduces cost and financial risk. See 3:27-38.

Figure 3 is reproduced below for convenience:

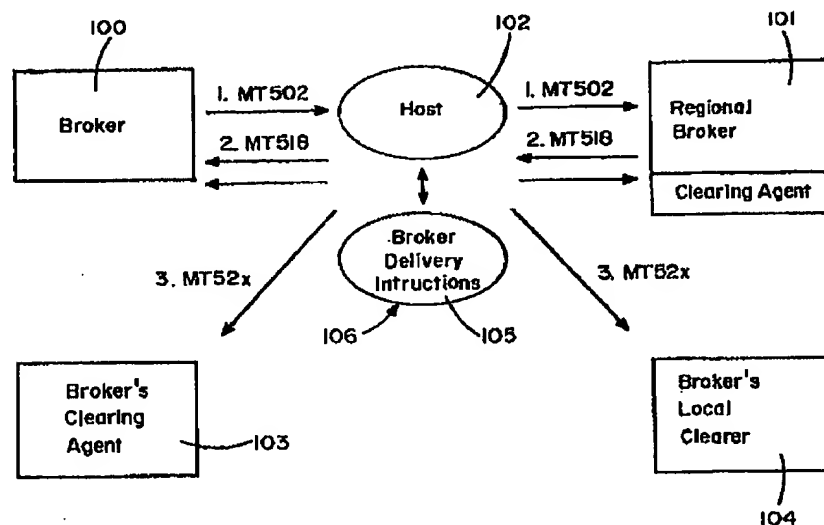


FIG. 3



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Figure 3 shows an originating broker 100 who transmits a message to an execution broker 101 to buy or sell securities in the SWIFT MT502 message format. The message is stored on a host machine 102. The host 102 stores the message until the executing broker 101 connects to the host and retrieves the message. After the executing broker executes the trade on the executing exchange, the broker 101 enters any necessary data and transmits a SWIFT MT518 **confirmation** message to the host 102. The host 102 matches the executing broker's MT518 message with the originating broker's MT502 message and, in turn, generates a MT52x message. The MT52x message is sent to the originating broker's clearing agent 103. The executing broker 101 also receives a copy of the MT52x message. See 7:47-67.

Although Hawkins discloses that the executing broker 101 executes a transaction order on the executing exchange according to the MT502 message transmitted by the originating broker 100, Appellants do not find any teaching or suggestion in Hawkins that the transaction order is **electronically** executed on the executing exchange. Hawkins' transaction orders may indeed be executed manually instead of electronically.

### **3. Discussion of Harada**

Harada discloses an international payment system which eliminates the use of intermediary banks and financial institutions between a source account in one country and a destination account in another country. Specifically, payment instructions are sent independently of the actual money transfer itself, which eliminates the need to execute the chain of credits and debits between correspondent financial institutions. See latter half of [0040] and all of [0041].

Figure 3A is reproduced for convenience:

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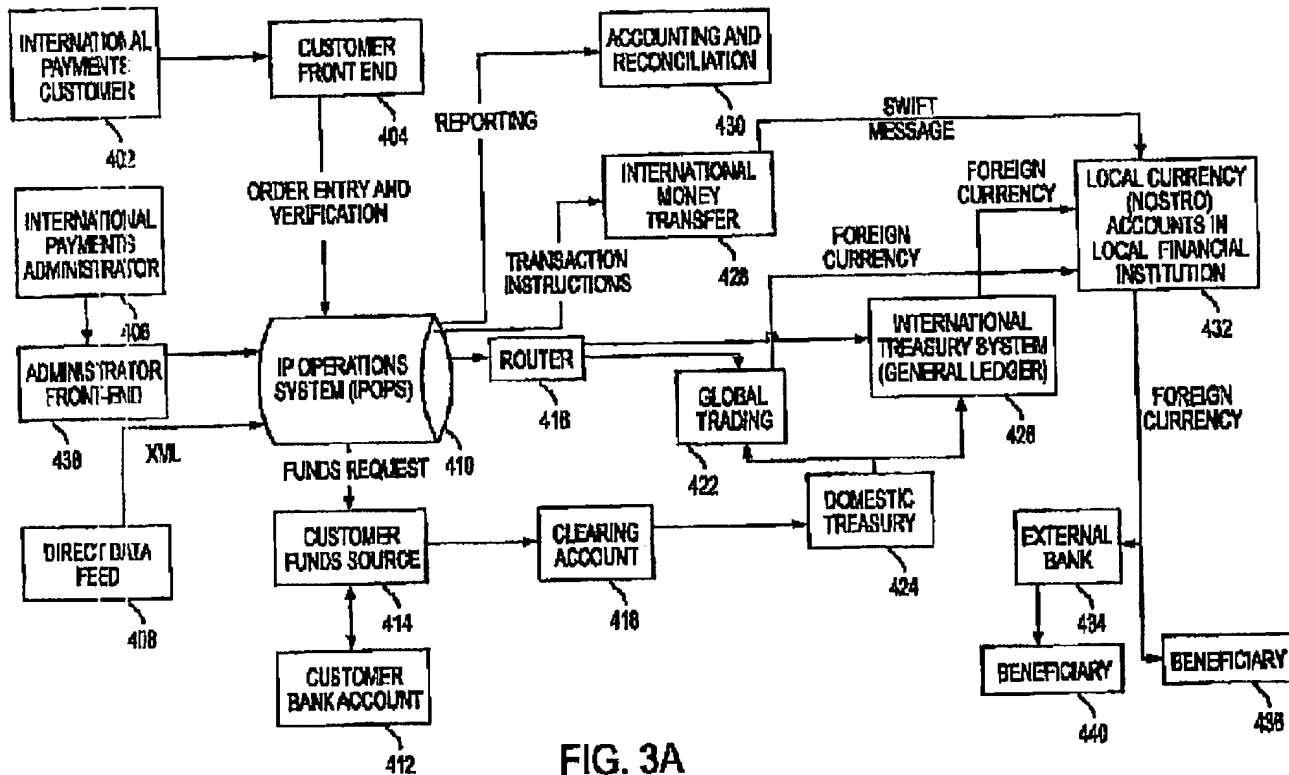


FIG. 3A

In Figure 3A, a payment request may be initiated by an international payments customer 402 via a front end system 404. The International Payment Operations (IPOPS) system 410 processes the request and may execute international payment transactions accordingly. In one embodiment, the transaction is routed to a global trading system 422 where the currency from the funds source 414 is converted to the local, foreign currency of the account 432. Alternatively, the transaction may be routed to a General Ledger within an International Treasury System 426. Funds are transferred from the customer bank account 412 to a beneficiary 436 or an external bank 434 via a customer funds source 414, a clearing account 418, a domestic treasury 424, a global trading system 422 or the general ledger system 426, and local currency accounts 432. See [0042] – [0047].

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Although Harada discloses a technique by which to facilitate transfer of funds between international accounts, Harada apparently does not disclose an executing affiliate that electronically executes a transaction order on an exchange.

**B. Rejections under 35 U.S.C. 103(a)**

Appealed claims 3, 4, 6, 7, 11, 13, 26, and 29 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner and Hawkins. Appealed claims 8, 12 and 30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner and Hawkins and further in view of Harada. Appealed claims 21, 22, 24 and 25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkins and Harada.

The standard for a rejection under 35 U.S.C. 103(a) is *prima facie* obviousness:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

MPEP 2142. Appellants traverse the rejections due to the reasons provided below.

**1. Rejections under Wagner and Hawkins**

**a. Claims 3, 4, 6, 7, 11, 13**

Claim 3 recites in part "a computerized executing affiliate in a second country suitable for electronically receiving said transaction order and executing said transaction order on the exchange." The Examiner cites Wagner's abstract, 2:20-3:67, Figs. 1-12, and claims 1, 2 and 16 as teaching these limitations. However, Wagner makes no such teaching or suggestion there or elsewhere. As indicated by the abstract and the cited text, Wagner relates to an interface for a plurality of payment networks. The figures show a system block diagram, various interface screens, a flow diagram, and a flowchart, collectively disclosing an interface for payment networks and usage methods thereof. Wagner's claims recite the disclosed systems and interfaces. No disclosure of an equities trading exchange can be found. No suggestion of an affiliate for executing transactions on a trading exchange exists. Wagner appears to be irrelevant to claim 3.

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**Appeal Brief dated March 29, 2006**

Hawkins is somewhat more relevant in that Hawkins appears to disclose a stock exchange and an executing broker. However, even Hawkins fails to teach or suggest an executing affiliate that electronically executes a transaction order on the exchange, as recited by the claim. Indeed, Hawkins' transaction orders may very well be executed manually as opposed to electronically, since Hawkins apparently makes no mention of electronic execution.

Moreover, independent claim 3 further recites that the "executing affiliate electronically transmits proceeds from said sale of said equity to said global hub." The Examiner acknowledges that Wagner fails to disclose this limitation, but fails to cite any other art that discloses this limitation. The Examiner cites Hawkins for its disclosure of "buy and sell orders, that exclude customer account information, and payment for those orders via wire, the payments and netting of those payments is the proceeds of the sale." Even if, for the sake of argument, Hawkins makes these disclosures (which Appellants do not admit), Hawkins, alone or in combination with Wagner, would still fail to teach or suggest the quoted limitation. For example, the Examiner appears to be citing Hawkins' teachings of an MT518 message as a disclosure of transmitted proceeds (14:11-16:49-52). However, the MT518 message is simply an order confirmation message that does not itself accomplish a transfer of funds. The funds transfer, if it occurs, is performed by the clearing agent (See 14:31, 16:38-42).

Claims 4, 6, 7, 11 and 13 are included in this group either because they depend on claim 3 and/or comprise limitations similar to those of claim 3. Based on the foregoing, Appellants request that the rejections against the claims in this group be reversed.

**b. Claims 26 and 29**

Claim 26 recites in part "said second computerized system converts said first currency to said second currency to purchase said security or commodity." This limitation concerns an actual conversion of currency, not simply a currency equivalence calculation. The Examiner does not cite, and appellants cannot find, any teaching or suggestion of such a conversion by such a computerized system. Instead, Wagner discloses **calculating** currency conversion **rates** (9:43-44), and Hawkins discloses brokers who

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must specify exchange rates on interfaces (14:53-55). Neither of these teachings is the same as an actual conversion of currency.

In the Advisory Action dated February 27, 2006, the Examiner responds to Appellants' arguments in the Response to Final Office Action of January 9, 2006. The Examiner states, apparently in reference to claims 31, 34, and 38-41, that "currency trading inherently includes translation from one currency into another currency on the settlement date." Concerned that this argument may also be applied to claim 26 in the future, Appellants address the Examiner's statement now. If the Examiner's argument were applied to claim 26, Appellants would traverse the rejection and would submit that claim 26 must be considered **as a whole** (MPEP 2141.02). Specifically, neither Wagner nor Hawkins, when taken alone or in combination, teaches "said second computerized system converts said first currency to said second currency to purchase said security or commodity," where "said second computerized system" refers to a computerized system which is "connected to a plurality stock exchanges in a plurality of countries," and which provides "execution details regarding the purchase of said security or commodity in response to said transaction order," where the purchase of the security or commodity is made **"by a stock exchange member connected to** said second computerized system."

Claim 29 is included in this group because it depends on claim 26. Based on the foregoing, Appellants request that the rejections against the claims in this group be reversed.

**2. Rejections under Wagner, Hawkins and Harada**

**a. Claims 8 and 12**

Claim 8 depends on claim 6, which recites in part "a computerized executing affiliate in a second country suitable for electronically receiving said transaction order and executing said transaction order on the exchange." This limitation is absent from Wagner and Hawkins. The Examiner cites Wagner's abstract, 2:20-3:67, Figs. 1-12 and claims 1, 2 and 16 as teaching this limitation. However, Wagner makes no such teaching or suggestion there or elsewhere. As indicated by the abstract and the cited text, Wagner relates to an interface for a plurality of payment networks. The figures show a system

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block diagram, various interface screens, a flow diagram, and a flowchart, collectively disclosing an interface for payment networks and usage methods thereof. Wagner's claims recite the disclosed systems and interfaces. No disclosure of an equities trading exchange can be found. No suggestion of an affiliate for executing transactions on a trading exchange exists. Wagner appears to be irrelevant to claim 8.

Although Hawkins discloses a stock exchange and an executing broker, Hawkins fails to teach or suggest an executing affiliate that electronically executes a transaction order on the exchange, as recited by the claim. Harada discloses a technique which facilitates a transfer of funds between international accounts, but apparently does not disclose an executing affiliate that electronically executes a transaction order on an exchange.

Moreover, the claim also recites that the "introducing affiliate electronically transmits currency for said purchase of said equity to said global hub." As described in context of claim 3 (which comprises a similar limitation), neither Wagner nor Hawkins disclose this limitation, nor do Appellants find any teaching or suggestion of this limitation in Harada.

Claim 12 is included in this group because it also depends on claim 6. Based on the foregoing, Appellants request that the rejections of the claims in this group be reversed.

**b. Claim 30**

Claim 30 depends on claim 26, which recites in part a "second computerized system ... connected to a plurality of stock exchanges in a plurality of countries; ... wherein said second computerized system converts said first currency to said second currency to purchase said security or commodity." The Examiner cites 6:14-45, 13:45-14:55, 15:30-45 and 18:55-60 of Hawkins as disclosing this limitation. The Examiner is mistaken. Appellant is unable to find any teaching or suggestion of this limitation in the cited portions of Hawkins or any other portion of Hawkins. Instead, the cited portions apparently disclose various features of graphical user interfaces and online forms that are used by brokers to facilitate trading.

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Appellants described the Examiner's statements in the Advisory Action of February 27, 2006 in context of claim 26 above. Appellants expressed concern that the Examiner's statements in the Advisory Action, while apparently limited to claims 31, 34 and 38-41, may be applied to claim 26 in the future. Appellants provided arguments as to why this would be inappropriate. These same arguments made for claim 26 also apply to claim 30, since claim 30 depends on claim 26.

Moreover, as described above in the section entitled "Discussion of Prior Art References Cited by the Examiner," the systems of Wagner, Hawkins and Harada are disparate systems serving disparate purposes. One of ordinary skill in the art would find no suggestion, motivation or reasonable expectation of success for a combination that satisfies the claim limitations. Based on the foregoing, Appellants request that the rejection against this claim be reversed.

**3. Rejections under Hawkins and Harada**

**a. Claims 21, 22, 24, 25**

Independent claim 21 recites in part "electronically transmitting said transaction order to the first financial exchange via a global hub ... [and] electronically transmitting proceeds from said sale of said stock from said first financial exchange to said customer account via the global hub." The Examiner cites Hawkins' 13:45-14:55; 15:30-45; and 18:55-60 as teaching the transmitting of proceeds via the global hub. Though it is not clear, the Examiner appears to be citing Hawkins' teachings of an MT518 message as a disclosure of transmitted proceeds (14:11-16 and 49-52). However, the MT518 message is simply an order confirmation message that does not itself accomplish a transfer of funds. The funds transfer, if it occurs, is performed separately by the clearing agent (See 8:14-31; 16:38-42). Thus, Hawkins fails to teach or suggest electronically transmitting proceeds via the global hub that also carries the transaction order information. Harada, taken individually or in combination with Hawkins, also fails to provide such a suggestion.

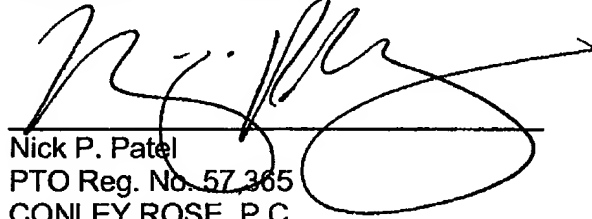
Claims 22, 24 and 25 are included in this group because they depend on claim 21. Based on the foregoing, Appellants request that the rejections against the claims in this group be reversed.

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**C. Conclusion**

For the reasons stated above, Appellants respectfully request that the rejections be reversed, and the claims set for issuance. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Conley Rose, P.C.'s Deposit Account No. 03-2769.

Respectfully submitted,



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### **VIII. CLAIMS APPENDIX**

This listing of claims incorporates the amendments filed March 28, 2006.

1.-2. (Canceled).

3. (Previously presented) A computerized system for trading securities and commodities, comprising:

a computerized introducing affiliate in a first country suitable for accepting a transaction order from a customer and transmitting said transaction order electronically, said transaction order being for the handling of a security or commodity;

an exchange on which said security or commodity is traded;

a computerized executing affiliate in a second country suitable for electronically receiving said transaction order and executing said transaction order on the exchange; and

a global hub connected between said introducing affiliate and said executing affiliate, wherein said global hub electronically routes said transaction order from said introducing affiliate to said executing affiliate,

wherein said transaction order is to sell an equity, and said executing affiliate electronically transmits proceeds from said sale of said equity to said global hub.

4. (Original) The system of claim 3, wherein said global hub transmits said proceeds to said introducing affiliate.

5. (Canceled).

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6. (Previously presented) A computerized system for trading securities and commodities, comprising:

a computerized introducing affiliate in a first country suitable for accepting a transaction order from a customer and transmitting said transaction order electronically, said transaction order being for the handling of a security or commodity;

an exchange on which said security or commodity is traded;

a computerized executing affiliate in a second country suitable for electronically receiving said transaction order and executing said transaction order on the exchange; and

a global hub connected between said introducing affiliate and said executing affiliate, wherein said global hub electronically routes said transaction order from said introducing affiliate to said executing affiliate,

wherein said transaction order is to purchase an equity, and said introducing affiliate electronically transmits currency for said purchase of said equity to said global hub.

7. (Original) The system of claim 6, wherein said global hub transmits said currency to said executing affiliate.

8. (Previously presented) The system of claim 7, wherein said introducing affiliate maintains an account for said customer in a first currency and prior to transmitting said currency to said executing affiliate, a check is made of said account to ensure said account holds an amount greater than said amount of said purchase of said equity.

9.-10. (Canceled).

11. (Previously presented) The system of claim 6, wherein each of said transaction orders requires a trade of a first currency to a second currency, and said global hub converts said first currency to said second currency.

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12. (Original) The system of claim 11, wherein said global hub is connected to a foreign exchange rate information source and a foreign exchange rate bank, said global hub sending said first currency to said foreign exchange rate bank and receiving in return said second currency.

13. (Previously presented) The system of claim 6, wherein the introducing affiliate maintains a customer account corresponding to said customer, and wherein other than said transaction order, said introducing affiliate does not send information pertaining to said customer account to said global hub.

14.-20. (Canceled).

21. (Previously presented) A method of selling a security or commodity, comprising the acts of:

accepting an electronic transaction order from a first customer in a first country to sell a stock, said stock being traded on a first financial exchange;

checking an account in a customer account for said first customer to determine if said customer owns said stock;

electronically transmitting said transaction order to the first financial exchange via a global hub, said global hub being electronically connected to at least a second financial exchange and said first financial exchange;

selling said stock on said first financial exchange;

electronically transmitting proceeds from said sale of said stock from said first financial exchange to said customer account via the global hub.

22. (Original) The method of claim 21, wherein said first financial exchange is in a second country.

23. (Canceled).

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24. (Original) The system of claim 21, wherein said step of selling said stock includes said global hub electronically transmitting said transaction order to an executing affiliate that sells said stock on said first exchange.

25. (Original) The system of claim 24, wherein said executing affiliate is in a second country.

26. (Previously presented) A method of buying a security or commodity, comprising:

entering a transaction order into a first computerized system, said transaction order being for the purchase of a security or commodity;

transmitting said transaction order electronically to a second computerized system, said second computerized system being connected to a plurality stock exchanges in a plurality of countries; and

receiving from said second computerized system execution details regarding the purchase of said security or commodity in response to said transaction order, said purchase of said security or commodity being made by a stock exchange member connected to said second computerized system,

wherein said first computerized system maintains a customer account in a first currency and said security or commodity trades on a stock exchange in a second currency, and

wherein said second computerized system converts said first currency to said second currency to purchase said security or commodity.

27.-28. (Canceled).

29. (Original) The method of claim 26, wherein said second computerized system connects to stock exchanges in at least three countries.

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30. (Original) The method of claim 26, further comprising:

vetting a customer account in said first computerized system to determine that said customer account holds funds sufficient to purchase said security or commodity.

31.-45. (Canceled).

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**IX. EVIDENCE APPENDIX**

None.

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**X. RELATED PROCEEDINGS APPENDIX**

None.